

## § 228.1

APPENDIX C TO PART 228—GUIDELINES FOR CLEAN, SAFE, AND SANITARY RAILROAD PROVIDED CAMP CARS

APPENDIX D TO PART 228—GUIDANCE ON FATIGUE MANAGEMENT PLANS

AUTHORITY: 49 U.S.C. 20103, 20107, 21101–21109; Sec. 108, Div. A, Public Law 110–432, 122 Stat. 4860–4866; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461, note; 49 CFR 1.49; and 49 U.S.C. 103.

EFFECTIVE DATE NOTE: At 76 FR 50396, Aug. 12, 2011, the authority citation to part 228 was revised, effective October 15, 2011. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 49 U.S.C. 20103, 20107, 21101–21109; Sec. 108, Div. A, Pub. L. 110–432, 122 Stat. 4860–4866; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461, note; 49 U.S.C. 103; and 49 CFR 1.49.

SOURCE: 37 FR 12234, June 21, 1972, unless otherwise noted.

### Subpart A—General

#### § 228.1 Scope.

This part—

(a) Prescribes reporting and record-keeping requirements with respect to the hours of service of certain railroad employees and certain employees of railroad contractors and subcontractors; and

(b) Establishes standards and procedures concerning the construction or reconstruction of employee sleeping quarters.

[43 FR 31012, July 19, 1978, as amended at 74 FR 25345, May 27, 2009]

EFFECTIVE DATE NOTE: At 76 FR 50396, Aug. 12, 2011, § 228.1 was amended by removing the word “and” at the end of paragraph (a), removing the period and adding a semicolon in its place at the end of paragraph (b), adding and reserving paragraph (c), and adding paragraph (d) effective October 15, 2011. For the convenience of the user, the added text is set forth as follows:

#### § 228.1 Scope.

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(d) Prescribes substantive hours of service requirements for train employees engaged in commuter or intercity rail passenger transportation.

#### § 228.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to

## 49 CFR Ch. II (10–1–11 Edition)

all railroads and contractors and subcontractors of railroads.

(b) This part does not apply to:

(1) A railroad or a contractor or subcontractor of a railroad that operates only on track inside an installation which is not part of the general railroad system of transportation; or

(2) Rapid transit operations in an urban area that are not connected with the general railroad system of transportation.

[74 FR 25345, May 27, 2009]

EFFECTIVE DATE NOTE: At 76 FR 50396, Aug. 12, 2011, § 228.3 was amended by revising paragraph (b) introductory text, effective October 15, 2011. For the convenience of the user, the revised text is set forth as follows:

#### § 228.3 Application.

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(b) Except as provided in § 228.401 of this part, this part does not apply to:

\* \* \* \* \*

#### § 228.5 Definitions.

As used in this part—

*Actual time* means either the specific time of day, to the hour and minute, or the precise amount of time spent in an activity, in hours and minutes, that must be included in the hours of duty record, including, where appropriate, reference to the applicable time zone and either standard time or daylight savings time.

*Administrator* means the Administrator of the Federal Railroad Administration or any person to whom the Administrator has delegated authority in the matter concerned.

*Administrative duties* means any activities required by the railroad as a condition of employment, related to reporting, recording, or providing an oral or written statement related to a current, previous, or future duty tour. Such activities are considered service for the railroad, and time spent in these activities must be included in the *total time on duty* for any *duty tour* with which it may commingle.

*At the behest of the employee* refers to time spent by an employee in a railroad-related activity that is not required by the railroad as a condition of